IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 06 OF 2005

Bharat Giri S/o.Shivgiri Goswami .. Applicant.

V/s.

The State of Maharashtra . .. Respondent.

Shri P.M. Chakurkar for the Applicant.
Shri K.V. Saste, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 20, 2005

PC :-

. Heard counsel for the parties.

. According to the applicant the prosecution case is one of the circumstantial evidence and the chain to link the applicant in the commission of the alleged crime is not complete. It is submitted that there is improvement in the version given by Mangalsingh Jadeja in the supplementary statement which indicates the culpability of the applicant. However,in my opinion,for the purpose of bail, suffice it to observe that the evidence on record shows that there are strong circumstances to indicate the complicity of the applicant in the alleged crime. The

applicant was found missing from the hospital during the relevant time. Besides, the clothes which were worn by the applicant at the relevant time have been found with blood-stain and no explanation is forthcoming. From the condition of the clothes it is possible to assume that the applicant was involved in some scuffle. However, in view of the motive as alleged by the prosecution and as mentioned earlier, there are strong circumstances to indicate the complicity of the applicant with the commission of the crime, not a case for bail. Hence, I see no reason to depart from the conclusion reached by the court below in rejecting the prayer of bail. Hence, dismissed.

. The Principal Judge, Sessions Court, Greater Mumbai is directed to assign the case to Fast Track Court, if already not assigned so as to ensure an early disposal of the trial.

. Ordered accordingly.

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